

Amendments to the Drawings:

Please replace drawings sheet 8 containing Figures 17, 18, and 19.

A separate "Request for Drawing Amendment" is filed herewith.

I. REMARKS

A. Abstract

The Examiner objected to the Abstract because it contains the word “means.” The Abstract has been amended to eliminate this phraseology.

B. Drawings

Figures 18 and 19 are objected to by the Examiner because the lead lines for the central axis do not extend to the central axis. Further, the section lines indicated that the material was metal rather than plastic. Attached is a Request for Drawing Amendment to amend Figures 18 and 19. In the drawing amendment, the central axis lead line is extended to the central axis. Further, thicker shading lines were drawn to indicate that the pedal body is made of plastic. Such amendment should not be construed as a limitation of the scope of material for the present invention.

Based upon the foregoing, Applicant respectfully requests that the drawing objection be withdrawn.

C. Claim Objections

Claims 3 and 15 were objected to because there was no antecedent basis in claim 3 for the term “the arch” and the term “it” in claim 15. Claims 3 and 15 have been amended to provide the proper antecedent basis. As such, Applicant respectfully requests that the objection be withdrawn.

D. Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-5, 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsuo (Japanese Utility Model Number 1-115793). Claims 1, 8-10, 12 and 16-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,809,563 to Lopponow. Claims 1, 11, 12, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated U.S. Patent No. 4,682,771 to Jean. Claims 12 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated U.S. Patent No. 6,050,154 to Fan. Claims 1 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated U.S. Patent No. 4,004,468 to Durham.

Applicant states that in order for a rejection under 35 U.S.C. § 102(b) to be proper, all claim limitations must be taught by a single reference. Independent claims 1, 12, and 18 have been amended to overcome these rejections. The amendments to be discussed herein has support in the subject specification on page 8, line 21 through page 9, line 10. See also Figures 12-20, especially Figures 18 and 19.

Claim 1 has been amended to recite “said pedal body having a longitudinal axis and a transverse axis,” and to further recite “said pedal body further comprising a first weight and a second weight operatively connected to said pedal body, such that one of said surfaces faces substantially upwards as said pedal body approaches an equilibrium position, said first weight and said second weight being oppositely disposed and substantially equidistant from said transverse axis.” None of the references alone teach the use of weights that are oppositely disposed from and substantially equally distant from the transverse axis. Claim 12 has been amended in similar fashion. Claim 18 has been further amended to recite a third weight and a fourth weight operatively connected to the pedal body. The claim also now recites “said first weight and said second weight being oppositely disposed and substantially equidistant from said transverse axis.” Applicant respectfully contends that none of the references teach four separate weights as now claimed in claim 18. New claim 23 further requires that the third weight and the fourth weight be disposed longitudinally outwardly of the first weight and the second weight, as shown specifically in Figures 18 and 19. New claim 24 requires that the third weight and the fourth weight have diameters that are larger than the diameter of the first weight and the second weight. New claim 25 requires that the third weight and the fourth weight have a length L1 that is smaller than the length L2 of the first and second weights.

Again, Applicant respectfully contends that these amendments are patentably distinct and are not taught or suggested by the cited references. As such, Applicant respectfully contends that the amended independent claims and related dependent claims are now in condition for allowance.

E. Terminal Disclaimer

The Examiner requested a terminal disclaimer to be filed in light of claims 1-3, 12, and 13 in light of Applicant’s U.S. Patent No. D510,965. Applicant respectfully states that no terminal disclaimer is being filed at this time. The independent claims have been amended to

require the weight of the pedal body such that the proper side of the pedal faces upwards when a foot is removed. The Applicant's design patent does not teach or suggest the use of weights within the pedal body. As such, there is no obvious double-patenting rejection.

II. CONCLUSION

In response to the Office Action dated October 13, 2006, claims 11, 14, and 19 were cancelled, and claims 23, 24, and 25 were added. Claims 1, 3, 12, 15, and 18 have been amended pursuant to 37 C.F.R. 1.121. It is believed these amendments have placed the amended claims in conformance with the requirements of the Office Action. At this point, Applicant believes that the claims remaining in the case distinguish over the art cited and comply with the requirements of 35 U.S.C. §102, §103, and §112. As such, allowance of the claims is respectfully requested.

Respectfully submitted,

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Date

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